

Wheeler, Jeffrey

From: Rickland Powell <rickland@mit.edu>
Sent: Saturday, May 31, 2014 1:20 PM
To: Wheeler, Jeffrey
Subject: ZBA re: Application to relocate Starbucks to 6-8 Trapelo Rd.

Good day, Jeff-

Please find my reasons to deny the application submitted by Chris Starr on behalf of Smith Legacy Partners, to temporarily relocate Starbucks from their current location in the heart of Cushing Square to units 6-8 Trapelo Rd.

OBJECTIONS:

1) Parking

a) Allocating 15 parking spaces from in front of 6-8 Trapelo Rd for Starbucks, would have a negative impact on the operations of the funeral homes on Trapelo Rd, as determined by counting the existing parking spaces beginning at 2 Trapelo Rd, and assuming no other occupant of the current structure has need of any parking space. In this manner, the 15th parking space falls in front of Belmont Monuments.

b) The building, as it currently exists, has already granted exemptions for parking to tenants in residence now, that exceed the available spaces. Removing two tenants that each require only a single space, in favor of a business that will require 15 spaces, makes absolutely no mathematical sense. Because it is not possible to subtract 15 spaces from the currently non-existing negative 12 spaces present, this proposal will instead add to the frustration and congestion to the Trapelo Rd/Belmont St intersection.

c) Adding another restaurant/coffee establishment within the 2-10 Trapelo Rd suite of storefronts, would cause a serious negative impact on the health and well being of the patients of the podiatrist located at #3 Oak Avenue (Directly across the street from the planned location of the Starbucks temporary housing and future home to another eating establishment). These patients, by the very nature of the doctor's practice, have significant trouble walking. To have even just one visitor to a new bustling enterprise park in front of his office would deprive a patient from a needed close proximity space.

d) Allocating 15 parking spaces for Starbucks through granting approval of these applications at any time prior to the completion of the existing Trapelo Rd construction project, is unthinkable. When the 2-10 Trapelo Rd building is the epicenter of the construction on the road, there will be 20-30 fewer spaces available for the duration of that construction.

2) Business Impact

a) Units 6 Trapelo Rd and 8 Trapelo Rd are currently occupied by existing businesses. Until three days before the original hearing on this matter, neither tenant had any idea they were going to be evicted. Both had planned to remain in their respective locations indefinitely. Approving these applications would destroy two small, family run businesses in favor of a national chain. This is the kind of thing that destroys the very essence of Belmont.

b) Businesses directly on either side of the proposed applications, are health spas. Each offers their clients relaxation through massage as their primary source of income. These businesses are Herb Spa and Watertown Massage. They may not realize it yet, but the build out required to change the existing structure to suit the needs of Starbucks, will require approximately 1 month of loud construction - directly on the other side of a wall. Their businesses will suffer dramatically during this construction period.

c) The single building housing 2-10 Trapelo Rd currently contains an eatery which serves coffee and desserts comparable to Starbucks. I have nothing against competition, but perhaps not in the same building, with non-existent parking, and minimal walk-by traffic. Both businesses will suffer as a result.

d) A Starbucks operation requires frequent deliveries from their commissary. It is often the case, that a single

truck will supply multiple locations. As such, the corporation typically uses large trucks. The unit 2-10 Trapelo Rd, does not have a loading dock. Therefore, the truck will have to "Live park" on Trapelo Rd, taking up a travel lane. This will cause potential customers to all businesses located there, a great deal of frustration through traffic and access to or from parking during deliveries. Further, "Live parking" has the potential to be loud if engine is left running. We do not yet know the times of any deliveries, but the potential is that it could be as early as 5:00 AM or as late as 11:00 PM according to the stated times of operation.

e) Leaving currently vacant storefronts in place that would be better suited to Starbucks and require the same or a great deal less build out, will show poorly on the business community in Belmont. If we wish to attract businesses to our town, we need to show that the town can support a business being located here. It will reflect much better on Belmont to leave existing businesses in operation and fill vacant storefronts whenever possible. Two current possibilities are the old A&P/CVS, which is owned by the petitioner, and the recently vacated Belmont Savings Bank

3) Community Impact

a) The greater neighborhood has seen a time between when Brigham's closed and Moozey's opened. This period has given the residents the ability to see the impact of street litter during times of occupied eatery and unoccupied eatery in the immediate area. It is a fact that there will be careless individuals in any community, but the town has the ability to regulate how much "Ammunition" to release to the litterbugs. Historically, there has been one establishment dispensing large quantities of take out containers in this immediate area. Adding another would increase the burden on the local residents to pull said containers out of their hedges, gardens, etc.

b) Increased traffic (Whether through deliveries, parking, construction, etc.) will cause impatient drivers to attempt to find alternate routes rather than Trapelo Rd. All tributaries (Oakley, Pine, Oak, Willow, and perhaps even Payson), will see drastically increased traffic as people try to find a way around the bottle neck. This will raise the element of danger to all the children living and playing in the neighborhood.

c) The unit 2-10 Trapelo Rd will need significantly more development than the proposal submitted, to allow for the safety of the patrons that could be within a Starbucks in the event of a fire. As the drawings depict, there is not enough room for safe and secure egress from the rear of the building for all occupants at once (As would be needed in the event of a fire or other disaster). This poses a great risk to the community - both to the physical safety of the patrons and the mental or emotional well-being of any witnesses.

d) The single most disturbing issue to me, is the process in which these applications were handled. The petitioner did not inform any neighbor as the guidelines suggest (but do not mandate), nor in fact, either of the tenants which he would evict should these exemptions go through! Filing at the last minute, hoping that neighbors would not notice or perhaps even receive word, until after it had passed, and finally using the back-up plan of stating "We figured we would use this meeting to discuss with the neighbors.", is unconscionable. It is my opinion that the town should not encourage this kind of behavior and decline the permit requests entirely.

Best,

Rickland Powell
617.710.2299

Mark F Clark
28 Oak Ave.
Belmont, MA 02478

Belmont Zoning Board of Appeals
care of Jeffrey Wheeler, Belmont Planner

May 16, 2014 (corrected version)

Ladies and gentlemen:

I write to oppose the application for a special permit by Christopher Starr as agent for Smith Legacy Partners LLC. I will attend the hearing Monday evening (May 19, 2014) but my dysarthria precludes presentation of my comments orally.

Others have and will comment on the parking situation (which is serious and should be decisive in this case) but I wish to bring two other issues to the Board's attention. First, as I understand it, this is not a temporary, "swing" request: this is a request for a permanent special permit. Second, this is a character-changing request and the parking situation is only one aspect of that character change.

First, although there's much discussion about the need to relocate Starbucks during the construction of part of Cushing Village, there is no such limitation on the scope of the application. There are other vacant properties in Cushing Square, at least one of which is controlled by the applicant, himself. Need for an existing business to remain in operation near its site might be a sympathetic argument but it is being used as a masquerade for a permanent change in the character of a neighborhood.

Which leads to my second point.

This area is an LB III district for a reason – to preserve the residential character of the area around it. The businesses which are permitted in the district now are fundamentally different from the restaurant business. The obvious difference is traffic and parking but there is a more insidious and fundamental difference: that is the hours that the business is typically in operation. It is one thing to have a retail business in operation during normal business hours during the day. It is quite another to have a business operation that just gets going as most other businesses (and homes in our area) are quieting down for the evening. It may be that most people do not drink regular coffee in the evening and that Starbucks would not present a particular evening operation, but that goes back to my first point: this application is not really about Starbucks.

It might be pointed out that there is already a retail food operation in the neighborhood (Moozy's) and that the cat is already out of the bag. ("What's another slice once the loaf is cut?") To this observation, I make four comments.

First, Moozy's and its predecessor are of long-standing and probably have some vested rights.

Second, Moozy's is not seeking to expand. We can take up that issue when and if it arises. Let's deal with the application before us.

Third, Moozy's is located at the end of the block, and near a busy and open intersection. It is somewhat more remote from the residential portion of the neighborhood than the site now the subject of the pending application.

Fourth, one mistake does not justify a second. The neighborhood's concern is based on experience, not speculation. Thanks to Moozy's, we know whereof we speak. Enough is enough. Time to draw the line.

Please deny the Smith Legacy Partners application.

Very truly yours,

Mark F Clark